

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANITA VALLADORES, et al.,

Plaintiffs,

v.

ASHTREE APARTMENTS, LLC,

Defendant.

Case No. 1:20-cv-01155-DAD-SAB

ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL WITHOUT PREJUDICE

(ECF No. 27)

On August 31, 2021, Plaintiffs filed a motion to compel discovery and set a hearing on the motion for September 29, 2021. (ECF No. 27.) Pursuant to the Local Rule applicable to Plaintiffs' motion, the "hearing may be dropped from the calendar without prejudice if the Joint Statement re Discovery Disagreement or an affidavit as set forth [in Rule 251] is not filed at least seven (7) days before the scheduled hearing date." L.R. 251(a). The Rules further state that "a motion made pursuant to Fed. R. Civ. P. 26 through 37 and 45 . . . shall not be heard unless (1) the parties have conferred and attempted to resolve their differences, and (2) the parties have set forth their differences and the bases therefor in a Joint Statement re Discovery Disagreement." L.R. 251(b). The requirements of the joint statement are set forth in Local Rule 251(c).

The Court shall deny Plaintiff's motion on the ground that it is now procedurally deficient with the failure to file the required joint statement seven (7) days prior to the hearing. The denial will be without prejudice to refiling the motion.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion to compel discovery
2 (ECF No. 27) is DENIED without prejudice.

3
4 IT IS SO ORDERED.

5 Dated: September 23, 2021


UNITED STATES MAGISTRATE JUDGE